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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 6

Application Number 09/646,478
Filing Date March 4, 2002
First Named Inventor Jin Jen
Art Unit 1642
Examiner Name Rawlings, Stephen L.
Attorney Docket Number GZ 2018.00

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Supplemental Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Other Enclosure(s)
(please identify below)

11 cited references, European Search Report and Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Bingham McCutchen LLP
Antoinette F. Konski

Signature *Antoinette F. Konski*

Date October 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Peggy Nichols

Signature *Peggy Nichols*

Date October 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Dated: October 29, 2004

Peggy Nichols
Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Jin Jen

Serial No.: 09/646,478

Filing Date: March 4, 2002

For: Methods for the Diagnosis and Treatment
of Lung Cancer



Examiner: Rawlings, Stephen L.

Group Art Unit: 1642

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO/SB/08a and PTO/SB/08b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make this document of record.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☒ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first. A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Forms PTO/SB/08a & PTO/SB/08b are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO/SB/08a & PTO/SB/08b are enclosed:
- ☐ Copies of all other items not listed above and listed in the attached Form PTO/SB/08a is not supplied in accordance with 37 CFR 1.98(a)(2).
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO/SB/08 were cited in a foreign examination report in a related case.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Forms PTO/SB/08 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

- ☐ Applicants bring to the Office's attention the following related, co-pending application(s):

V. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08a and PTO/SB/08b with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 2019442-7008712001 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: October 29, 2004

By: 

Antoinette F. Konski
Registration No. 34,202

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San Francisco, California 94111-4067
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Substitute for form 1449A-PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/646,478
Filing Date	March 4, 2002
First Named Inventor	Jin Jen
Art Unit	1642
Examiner Name	Rawlings, Stephen L.
Attorney Docket Number	GZ 2018.00

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-5,734,039	03-31-98	Calabretta et al.	
	2	US-			
	3	US-			
	4	US-			
	5	US-			
	6	US-			
	7	US-			
	8	US-			
	9	US-			
	10	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	11	WO 99/50278	10-07-99	Beaudry et al.		
	12					
	13					
	14					
	15					
	16					
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	20					

Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	09/646,478
Filing Date	March 4, 2002
First Named Inventor	Jin Jen
Art Unit	1642
Examiner Name	Rawlings, Stephen L.
Attorney Docket Number	GZ 2018.00

NON PATENT LITERATURE DOCUMENTS

NON PATENT LITERATURE DOCUMENTS			T ²
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	
	1	DHILLON, A.P. et al., "Neural markers in carcinoma of the lung" (1985) <i>Br. J. Cancer</i> 51:645-652	
	2	GOLAY, J. et al., "Expression of A-myb, But Not c-myb and B-myb, Is Restricted To Burkitt's Lymphoma, Sig+ B-Cell Lymphoblastic Leukemia, and a Subset of Chronic Lymphocytic Leukemias" (1996) <i>Blood</i> 87:190-1911	
	3	HIBI, et al., "Serial Analysis of Gene Expression in Non-Small Cell Lung Cancer" (1991) <i>Cancer Research</i> 58:5890-5894	
	4	HOJO, S., et al., "Overexpression of p53 protein in interstitial lung diseases" (1998) <i>Respiratory Medicine</i> 92:184-190	
	5	KASAI, K, et al., "Pulmonary Large Cell Carcinoma Expressing Neuroendocrine Markers: The Morphological, Biological, and Neuroendocrine Features of Their Cell Lines and Surgical Cases" (1992) <i>Jpn. J. Cancer Res.</i> 83:1002-1010	
	6	MOOI, W.J., et al., "Non-small cell lung carcinomas with neuroendocrine features. A light microscopic, immunohistochemical and ultrastructural study of 11 cases" (1988) <i>Histopathology</i> 13:329-337	
	7	ROSENWALD, I.B. "Upregulated expression of the genes encoding translation initiation factors eIF-4E and eIF-2alpha in transformed cells" (1996) <i>Cancer Letters</i> 102:113-123	
	8	SALGIA, R., et al. "Molecular Abnormalities in Lung Cancer" (1998) <i>J. of Clinical Oncology</i> 16:1207-1217	
	9	WANI, G., et al. "Enhanced expression of the 8-oxo-7, 8-dihydrodeoxyguanosine triphosphatase gene in human breast tumor cells" (1998) <i>Cancer Letters</i> 125:123-130	
	10	Partial European Search Report dated July 29, 2004	
	11		
	12		
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	14		
	15		
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	17		
	18		

Examiner's
Signature

Date
Considered

* **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* **APPLICANT:** Applicant to place a check mark where relevant English language Translation is attached.

* **APPLICANT'S UNIQUE CITATION DESIGNATION NUMBER (OPTIONAL):** This information is required to obtain or retain a benefit by the public which is filed by the USPTO to this collection of information is not confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form and the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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